

REMARKS

I. Introduction

In response to the Office Action dated October 11, 2006, claim 38 has been cancelled, and claims 26, 39 and 40 have been amended. Claims 26-30, 33-37 and 39-46 are pending in the application. Reconsideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and do not introduce new matter. Entry of these amendments is respectfully requested.

Claim 26 has been amended merely to delete "each of which contains a U3 region" from lines 9-10, as this phrase was regarded as contradictory in view of embodiments in which the entire U3 region is replaced. Claim 26 was further amended to introduce the limitations of canceled claim 38.

Claims 39 and 40 have been amended merely to make them dependent on claim 26 rather than canceled claim 38.

III. Prior Art Rejections

At page 2 the Office Action, claims 26-27, 30, 33-37 and 41-44 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Johnston (U.S. Patent Application No. 2003/0104611). At page 5 of the Office Action, claim 28 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Johnston in view of Bujard et al. (U.S. Patent No. 5,589,362).

Applicants respectfully traverse these rejections. The amendments to the claims, however, render these rejections moot. Applicants reserve the right to present the subject matter of these claims in a future application.

IV. Non-Art Rejections

At page 6 of the Office Action, claims 26-30 and 33-46 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 26 was regarded as contradictory because it recites that the vector "comprises a 5' LTR and a 3' LTR, each of which

contains a U3 region" and also recites later in the claim that part or all of the UC regions in the 3' and 5' LTRs are replaced by heterologous regulatory elements.

Applicants respectfully disagree, in that one skilled in the art would have no difficulty construing this claim. To facilitate prosecution, however, Applicants have deleted the recitation of "each of which contains a U3 region" from the claim. To the extent that the remainder of the claim makes reference to the U3 region, Applicants assume that antecedent basis is inherent in the recitation of "LTR" in this context.

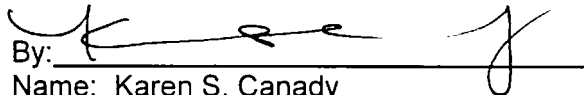
V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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Date: January 9, 2007